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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------------|-----------------------|------------------|
| 10/622,849 | 07/18/2003 | Craig K. Carlson-Stevermer | A126.114.102 | 4767 |
| 25281 | 7590 | 05/03/2006 | EXAMINER | |
| DICKE, BILLIG & CZAJA, P.L.L.C. FIFTH STREET TOWERS 100 SOUTH FIFTH STREET, SUITE 2250 MINNEAPOLIS, MN 55402 | | | HOLLINGTON, JERMELE M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2829 | |

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------------|-----------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/622,849 | CARLSON-STEVERMER, CRAIG K. | |
| | Examiner Jermele M. Hollington | Art Unit 2829 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,5-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,5-14 and 16-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892),
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date: _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see "Remarks", filed April 13, 2006, with respect to the claimed invention have been fully considered and are persuasive. The final rejection of the claimed invention has been withdrawn.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-11, 16-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki (20020011835A1).

Regarding claim 1, Yamazaki discloses [see Fig. 1] a wafer staging platform (wafer test equipment 1) [see Note below] comprising: a first vacuum-assisted platform (chamber 20) for holding a first wafer (W); a second vacuum-assisted platform (chamber 4) aligned with the first platform (20), the second platform (4) for holding a second wafer (W); wherein the first (20) and second (4) platforms are in close proximity to a processing platform (gate valve 30).

[Note: The recitation "for a wafer inspection system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).]

Regarding claim 5, Yamazaki discloses [see Fig. 1] a handling system (wafer test equipment 1) comprising: a wafer processing platform (image unit 10), at least two wafer load ports (stage 21 and holder 4a), each wafer load port (21 and 4a) configured to receive a wafer transportation cassette (not numbered); a wafer staging platform (stage 14) and a robot (robot arm 23) configured to move wafers (W) the wafer processing platform (16).

[Note: The recitation “for a wafer inspection system” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).]

Regarding claim 6, Yamazaki discloses [see Fig. 1] wherein the robot (23) moves the wafers (W) one of the at least two wafer load ports (21 and 4a) and the staging platform (14).

Regarding claim 7, Yamazaki discloses [see Fig. 1] the wafer transportation cassette (not numbered) is configured for storing a plurality of wafers (W).

Regarding claim 8, Yamazaki discloses [see Fig. 1] a pre-aligner (pre-aligner 22) for aligning wafers (W) prior to inspection, wherein the robot (23) moves the wafers (W) between the pre-aligner (22) and the wafer staging platform (14).

Regarding claim 9, Yamazaki discloses [see Fig. 1] the wafer staging platform (14) comprises at least two platforms (x-stage 14 and y-stage 14b), each platforms (14a and 14b) for holding a wafer (W).

Regarding claim 10, Yamazaki discloses [see Fig. 1] the wafer staging platform (14) comprises a vacuum system (within vacuum chamber 4) for holding at least one wafer (W) in place on the wafer staging platform (14).

Regarding claim 11, Yamazaki discloses a sensor (prober 5) to determine if a wafer (W) is present on the staging platform (14).

Regarding claim 23, Yamazaki discloses a method for swapping samples (wafers W) in a wafer inspection system (wafer test equipment 1) that includes at least one sample load port (stage 21) and a sample processing platform (image unit 10) and a robot (robot arm 23) to move samples (W) between the sample load port (21) and the sample processing platform (10) comprising: i) storing a plurality of samples (W) in the least one sample load port (21); ii) removing [via robot arm 23] a first sample (W) from the load port (21); iii) processing the first sample (W) on the sample processing platform (10); iv) removing [via robot arm 23] the first sample W) from the sample processing platform (10); v) staging [via robot arm 23] the first sample (W) on a sample holder (holder 4a); and vi) returning [via robot arm 23] the first sample (W) to the sample load port (21).

Regarding claim 16, Yamazaki discloses moving [via arm 23] the first sample (W) from the sample holder (4a) to the at least one sample load port (21).

Regarding claim 17, Yamazaki discloses providing a pre-aligner (pre-aligner 22); and moving [via arm 23] a third sample (W) from the pre-aligner (22) to the sample holder (4a).

Regarding claim 18, Yamazaki discloses wherein moving [via arm 23] the first sample (W) from the sample holder (4a) to the at least one sample load port (21) occurs while a separate sample (W) is being processed on the sample processing platform (10).

Regarding claim 19, Yamazaki discloses wherein moving [via arm 23] the third sample (W) from pre-aligner (22) to the sample holder (4a) occurs while a separate sample (W) is being processed on the sample processing platform (10).

Regarding claim 20, Yamazaki discloses moving [via arm 23] the third sample (W) from the pre-aligner (22) to a second holder in the sample holder (4a).

Regarding claim 21, Yamazaki discloses wherein moving [via arm 23] the third sample (W) from the pre-aligner (22) to the second holder in the sample holder (4a) occurs while the second sample (W) is being processed on the processing platform (10).

Regarding claim 24, Yamazaki discloses said second sample (W) in said sample holder (4a) prior to processing the second sample (W) on the sample processing platform (10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (20020011835) in view of Smith et al (6503043).

Regarding claim 12, Yamazaki discloses a system as stated above. However he does not disclose a sensor as claimed. Smith et al disclose a staging platform (staging platform 182)

having a sensor (sensor 192) to determine if a wafer (article 10) is present on the staging platform (182). Further, Smith et al teach that the addition of sensor is advantageous because it detects the presence or absence of a wafer on the platform. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the apparatus of admitted prior art in view of Sommer by adding a sensor to the staging platform of Sommer as taught by Smith et al in order to detect the presence or absence of a wafer on the platform.

Regarding claims 13-14 Smith et al disclose the sensor (192) comprises either an optical sensor or vacuum sensor [see col. 6, line 57- col. 7, line 14].

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 for further details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermele M. Hollington whose telephone number is (571) 272-1960. The examiner can normally be reached on M-F (9:00-4:30 EST) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (517) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2829

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermelle M. Hollington
Jermelle M. Hollington
Primary Examiner
Art Unit 2829

JMH
April 27, 2006